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LETTER DATED 14 MAY 1993 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to recent developments in Bosnia and Herzegovina. I am attaching the text of the Agreement on the cessation of hostilities concluded between General Sefer Halilovic and General Milivoj Petkovic on 12 May in Mostar in the presence of General Morillon of UNPROFOR and Ambassador Jean-Pierre Thebault of the European Community Monitoring Mission. In this context, I should like to share with you and the members of the Security Council the following observations.

When fighting began in Mostar, some elements of the Spanish Battalion present in that town were immediately affected and had to withdraw initially for security reasons. Mostar is located at one of the major supply routes for the humanitarian relief convoys. Apart from general humanitarian concerns, UNPROFOR lent its good offices to help arrange a cease-fire in Mostar, in keeping with the Secretary-General's overall responsibilities in the pacific settlement of disputes. Further, in terms of its mandate under Security Council resolution 776 (1992), UNPROFOR found that the fighting in Mostar was extremely disruptive for the delivery of humanitarian relief aid; the Force, therefore, had no choice but to intervene if its original mandate was to be implemented.

I should like to recall that Security Council resolution 824 (1993), which declares a number of "safe areas", in addition to Sarajevo, Tuzla, Zepa, Gorazde, Bihac and Srebrenica, refers to "other such threatened areas". The situation in Mostar obviously qualified the town as a "threatened area", a consideration which helped to set the terms of UNPROFOR's active involvement in witnessing the agreement concluded on 12 May between Generals Halilovic and Petkovic and in, inter alia, deploying a company of the Spanish Battalion in an interposition role.

The presence of UNPROFOR is an integral part of the cease-fire agreement and has without doubt helped to defuse the tension and stabilize the situation. None the less, some concern has been expressed in the Council about the formal mandate of UNPROFOR in this regard. This concern also applies to the involvement of civilian police officers provided for in the agreement between the Bosnian Croat and Bosnian Muslim sides of 12 May, for which no authorization from the Security Council exists.

In order to clarify the mandate, it would be appreciated if you could confirm, in reply to this letter, whether the above interpretation of the mandate is acceptable to the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

AGREEMENT ON THE CESSATION OF HOSTILITIES IN BOSNIA AND HERZEGOVINA CONCLUDED BETWEEN GEN MILIVOJ PETKOVIC AND GEN SEFER HALILOVIC ON 12 MAY 93 IN THE PRESENCE OF LT GEN PHILIPPE MORILLON AND ECMM/EEC JEAN-PIERRE THEBAULT

Contracting Parties :

Gen. Sefer Halilovic

and

Gen. Milivoj Petkovic

Reconfirming their will to establish peace within the territory of Bosnia Hercegovina;

Reconfirming that all persons and property should be free from armed attacks and from any other hostile act;

Reconfirming also that the GENEVA CONVENTIONS OF 12 AUGUST 1949 AND THE PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF INTERNATIONAL ARMED CONFLICTS (PROTOCOL 1) are fully applicable in the conflict in Bosnia and Hercegovina.

have agreed on the following :

ARTICLE 1

FREEDOM OF MOVEMENT

Absolute freedom of movement to be restored and guaranteed, not only for UNPROFOR, ECMM and Humanitarian Aid agencies, but also for all logistic supply and support convoys of both parties on all routes and especially on the routes:

1. DOLJANI - MOSTAR - JABLANICA - KONIJC - PAZARIC - TARCIN - KISELJAK - VISOKO - TUZLA and
2. POSUSJE - PROZOR - GORNJI VAKUF - TRAVNIK - ZENICA - VITEZ - BUSOVACA.

Freedom of movement will also be guaranteed for civilians to travel throughout the country.

Control of routes will be maintained by civilian police only. Check Points and route patrols will be manned by mixed police units with the assistance of UNCIVPOL who, in case of neccesity, will resolve disputes between the police of the two sides. Military units will not exercice any control.

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On a temporary basis, until the implementation of the Vance Owen Plan, these mixed units will be established in MOSTAR, TRAVNIK and ZENICA after agreement between the existing police forces.

ARTICLE 2

DEPLOYMENT OF UNPROFOR

One Company of the Spanish Battalion will be deployed and accommodated in MOSTAR at the airport until more suitable accommodation can be found. The deployment will be on both sides of the NERETVA river. Deployment will begin 1800 hours 12 May 1993.

The Company located in JABLANICA will continue to patrol the routes between JABLANICA-TARCIN, JABLANICA-KOSTAJNICA and start patrolling between OSTROZAC-TRUBINA-SEONICA-VRGI.

The British Battalion will continue to patrol the route JABLANICA-PROZOR-GORNJI VAKUF.

ARTICLE 3

WITHDRAWAL OF ARMED FORCES

In MOSTAR, all military units will be withdrawn and confined in their barracks: the BiH Army in the Southern Camp and in Konak Barracks, the HVO units and the HQ of the Operational Zone of South East Herzegovina in the Northern Camp and at the Heliodrom. The withdrawal will take place after the deployment of UNPROFOR and by 1200 hours on 13 May 1993. In the area of KOSTAJNICA and KONJIC, HVO units will be deployed in a few villages in the area marked on the attached map. BH Army will withdraw out of this area to their own villages.

ARTICLE 4

RELEASE OF PRISONERS

Both parties agree to the immediate release of all civilian detainees without any conditions and to be fully completed on 13 May 1993.

This will be followed by an exchange of all Prisoners of War. A list of all Prisoners of War will be presented to the International Committee of the Red Cross no later than 1200 hours 13 May 1993.

ARTICLE 5

RETURN OF DISPLACED PERSONS

Both sides will provide all assistance in restoring displaced persons to their own properties or places of residence. Both sides also guarantee the safety and security of displaced persons.

ARTICLE 6

All areas of dispute will be solved by negotiations by both parties in the presence of UNPROFOR and ECMM.

signed:

Gen Sefer Halilovic

Gen Milivoj Petkovic

witnessed by:

Lt Gen Philippe Morillon

Representative of UNPROFOR

Ambassador Jean-Pierre Thebault

Representative of ECMM

12 May 1993